

MINUTES OF MIDWAY TOWN COUNCIL REGULAR MEETING HELD ON SEPTEMBER 7, 2021 AT 7:00 P.M. IN THE COUNCIL CHAMBER AT MIDWAY TOWN HALL, 426 GUMTREE ROAD, MIDWAY, NORTH CAROLINA

CALL TO ORDER

Mayor John Byrum called the meeting to order and welcomed everyone present.

Mayor Pro Tem Mike McAlpine gave the invocation and led in the Pledge of Allegiance prior to the opening gavel.

Councilors present were: John Byrum, Mike McAlpine, Jackie Edwards, Keith Leonard, and Berkley Alcorn. Absent: Robin Moon. Town Manager Tammy Michael, Town Clerk Linda Hunt, and Deputy Clerk Tammy Robertson were present. Absent: Town Attorney Jim Lanik.

Each Councilor had been furnished an agenda prior to the meeting.

No members of the press were in attendance.

APPROVAL OF MINUTES

On motion by Mayor Pro Tem Mike McAlpine, seconded by Councilor Keith Leonard, Council voted unanimously to approve the minutes of the August 2, 2021 Town Council Regular meeting as presented.

PUBLIC ADDRESS

Mr. Tom Lynge of 312 Garden Valley Drive in Midway praised Council for helping Midway become a highly desirable community. Mr. Lynge also expressed concerns with how complaints against residents in the Town are submitted anonymously. Oftentimes, when a Town ordinance is being violated, residents anonymously report the issue to the Town's staff in order for the violation to be corrected. Mr. Lynge stated that he doesn't know why anyone who reports a violation needs to remain anonymous. People should be able to first try to resolve their issues among themselves before pulling in a governmental body.

ADOPT AGENDA

On motion by Councilor Jackie Edwards, seconded by Councilor Berkley Alcorn, Council voted unanimously to adopt the agenda as presented.

PROCLAMATION

Mayor John Byrum proclaimed September 11-25, 2021 as "Fall Litter Sweep" time in Midway and encouraged citizens to take an active role in making their communities cleaner.

**PROCLAMATION
FALL 2021 LITTER SWEEP**

WHEREAS, the North Carolina Department of Transportation organizes a spring statewide roadside cleanup to ensure clean and beautiful roads in North Carolina; and

WHEREAS, the FALL LITTER SWEEP roadside cleanup encourages local governments communities, groups, businesses, churches, schools, families and individual citizens to participate in the Department of Transportation cleanup by sponsoring and organizing local roadside cleanups; and

WHEREAS, Adopt-A-Highway volunteers, Department of Transportation employees, of Public

Safety – Division of Adult Correction inmates, community service workers, local government agencies, community leaders, civic and community organizations, businesses, churches, schools and environmentally concerned citizens conduct annual local cleanups during FALL LITTER SWEEP and may receive certificates of appreciation for their participation; and

WHEREAS, the great natural beauty of our state and a clean environment are sources of great pride for all North Carolinians, attracting tourists and aiding in recruiting new industries; and

WHEREAS, the cleanup will increase awareness of the need for cleaner roadsides, emphasize the importance of not littering, and encourage recycling of solid wastes; and

WHEREAS, the FALL LITTER SWEEP cleanup will be a part of educating the children of this great state regarding the importance of a clean environment to the quality of life in North Carolina;

NOW, THEREFORE, I, John E. Byrum, Mayor of the Town of Midway do hereby proclaim September 11-25, 2021 as “**FALL LITTER SWEEP**” time in Midway and encourage citizens to take an active role in making their communities cleaner.

IN WITNESS THEREOF, I have hereunto set my hand and affixed the seal of the Town of Midway this the seventh day of September in the year of our Lord two thousand and twenty-one.

REGULAR BUSINESS

CALL FOR PUBLIC HEARING – ADOPTION OF BUDGET ORDINANCE NO. 22-01 TO ESTABLISH THE FY 2021-2022 BUDGET FOR THE CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS AUTHORIZED BY AMERICAN RESCUE PLAN (ARP) FUNDS

On March 11, 2021, the federal American Rescue Plan Act of 2021 (ARP) became law, thereby, granting substantial aid to state and local governments. The Town of Midway qualifies for monies and has received the first round of funds on July 23, 2021. The second disbursement should be distributed within one year after the first distribution. The monies must be obligated by December 31, 2024, and all funds must be expended by December 31, 2026.

The Town of Midway received the first deposit of ARP Funds in the amount of \$782,720.92 on July 23, 2021 and the funds were deposited in the Town of Midway’s ARP Funds account at Home Trust Bank.

After conferring with Tony Brewer, the Town’s auditor with Eddie Carrick CPA-PC, it was advised the Town Council to adopt a separate annual budget for the ARP Funds. Also, the Town’s accounting firm, Cannon and Company, will create an additional software account independent of the Town’s General Fund to track and maintain the funds. Town Manager Tammy Michael stated that a separate budget will be adopted next year as well for the ARP funds.

Staff recommends Town Council call for a public hearing to be held on October 4, 2021 on adoption of Budget Ordinance No. 22-01 to establish the FY 2021-2022 Budget for the Coronavirus State and Local Fiscal Recovery Funds authorized by American Rescue Plan (ARP Funds).

On motion by Councilor Jackie Edwards, seconded by Mayor Pro Tem Mike McAlpine, Council voted unanimously to call for a public hearing on the adoption of Budget Ordinance No. 22-01 to establish the fiscal year 2021-2022 budget for the Coronavirus State and Local Fiscal Recovery Funds authorized by the American Rescue Plan (ARP) Funds to be held on October 4, 2021 at 7:00 p.m. at Town Hall located at 426 Gumtree Road in Midway, North Carolina.

CALL FOR PUBLIC HEARING – ADOPTION OF MINORITY BUSINESS PARTICIPATION OUTREACH PLAN AND GUIDELINES FOR RECRUITMENT AND SELECTION OF MINORITY BUSINESS FOR PARTICIPATION IN TOWN OF MIDWAY BUILDING CONSTRUCTION OR REPAIR CONTRACTS

Town Manager Tammy Michael stated that North Carolina State Law (G.S. 243-128.2) requires public agencies including local governments to carry out programs to promote the use of Minority/Women Business Enterprises in building construction and repair projects. These goals or good faith efforts requirements apply to projects where total costs exceed \$100,000 funded by state grants or appropriations, or \$300,000 for projects using local funds.

Before the Town can proceed with the bid project for the Town Park shelter, Council must adopt the Historically Underutilized Businesses (HUB) Outreach Plan.

Town Staff has drafted a plan for the Town of Midway. Attorney Jim Lanik has reviewed and approved the plan for Town Council's review. Mrs. Michael also provided to Council a copy of UNC School of Government Appendix 20-A outlining Dollar Thresholds in North Carolina Public Contracting Statutes.

Staff recommends Town Council review the plan and if in agreement, call for a public hearing to be held on Monday, October 4, 2021.

On motion by Mayor Pro Tem Mike McAlpine, seconded by Councilor Keith Leonard, Council voted unanimously to call for a public hearing on the adoption of Minority Business Participation Outreach Plan and Guidelines for recruitment and selection of minority business for participation in Town of Midway Building Construction or Repair Contracts to be held on October 4, 2021 at 7:00 p.m. at Town Hall located at 426 Gumtree Road in Midway, North Carolina.

APPROVE CONTRACT WITH CREATIVE PLAYSCAPES, LLP FOR PLAYGROUND PHASE II EQUIPMENT

Town Manager Tammy Michael presented to Council an Independent Contractor Agreement with Creative Playscapes, LLP for the installation of Toddler Playground Equipment Phase II with Creative Playscapes, LLP. The quote for the equipment for Phase II of the Toddler Playground was approved by Council on June 7, 2021.

Town Attorney Jim Lanik has reviewed and approved the contract.

On motion by Councilor Jackie Edwards, seconded by Councilor Berkley Alcorn, Council voted unanimously to approve the agreement with Creative Playscapes, LLP.

CONTRACT – CLINE'S FLOATS – CHRISTMAS PARADE FLOAT

The Town has been contracting with Cline's Floats Inc. for several years to construct and decorate a float for the Town's use in the annual Christmas Parade. The float will be approximately 28 feet long, 8 to 14 feet wide and 12.5 feet high with the Town's name on each side of the float in regular block letters.

Cline's Floats has submitted a contract for Council consideration to furnish a decorated float for this year's Christmas Parade scheduled for Saturday, November 27, 2021 at a cost of \$500.00.

Town Attorney Jim Lanik has approved the contract and recommended attaching 2021 Covid Contract as Exhibit B to the Town's Independent Contractor Agreement as proposed by Cline's Floats.

It was the consensus of Council to choose float number 35 with red and white candy canes trimmed in gold.

On motion by Mayor Pro Tem Mike McAlpine, seconded by Councilor Keith Leonard, Council voted unanimously to approve the contract with Cline's Floats, Inc. for the decorated Float Number 35 for the Christmas Parade at a total cost of \$500.00. Said contract to include Exhibit B – 2021 Covid Contract.

CONTRACT RENEWAL – CANNON AND COMPANY, LLP – ACCOUNTING SERVICES

Cannon and Company, LLP has submitted its proposed contract for accounting services to the Town of Midway for the period of July 1, 2021 to June 30, 2022. The cost of these services will remain at \$1,000.00 per month and there are no changes to the scope of services that Cannon and Company will provide to the Town.

Town Attorney Jim Lanik has reviewed and approved the contract presented to Council.

On motion by Councilor Berkley Alcorn, seconded by Councilor Keith Leonard, Council voted unanimously to approve the contract with Cannon and Company, LLP for the period of July 1, 2021 to June 30, 2022 for providing accounting services to the Town of Midway in the amount of \$1,000.00 per month.

CONTRACT RENEWAL – DAVID BRAD COE D/B/A COE FORESTRY AND SURVEYING – TOWN PARK PROJECT SERVICES

At the March 5, 2019, Town Council meeting, Town Council approved a one-year contract with David B. Coe D/B/A Coe Forestry and Surveying to oversee the construction of the new Town Park. Mr. Coe has been operating under the current contract since that time. The contract renewal extends the contract for two additional years covering the construction of the Town Park development. The Town Park Project Services from Coe Forestry and Surveying include the following:

- Work and assist personnel and committees as appointed by the Town Council to prepare and modify a site plan for the Town Park and other Park Projects:
- Coordinate with the Wooten Company, Metropolis Architects for engineering services as needed:
- Assist the Town for procuring and oversight of additional contractors as requested by the Town:
- Perform surveying stakeout as required for Park Project as identified in project documents:
- Oversee and coordinate with contractors performing grading activities as identified in project documents:
- Maintain Master File of Park Project and Park layout
- Perform such other services relating to the Park Project as may be reasonably requested by the Town

The contract renewal allows for a ten dollar per hour increase in services as follows:

- Office Staff \$ 80.00 per hour
- Land Surveyor \$ 95.00 per hour
- 2 person field crew \$ 120.00 per hour
- 3 person field crew \$ 155.00 per hour

Town Attorney Jim Lanik has reviewed and approved the contract presented to Council.

On motion by Mayor Pro Tem Mike McAlpine, seconded by Councilor Berkley Alcorn, Council voted unanimously to approve the contract with Coe Forestry D/B/A Coe Forestry and Surveying for Town Park Project Services for two years.

TOWN MANAGER’S REPORTS

FINANCIAL REPORT

Town Manager Tammy Michael provided Council with monthly financial reports for August 31, 2021 as follows:

AUGUST 31, 2021		
Total Income	\$ 368,860	26.0 % of overall budget
Total Expenses	\$ 106,536	7.5 % of overall budget

For information only.

APPROVE CONCEPTUAL PLANS FOR CAGNEY’S KITCHEN RESTAURANT AND RETAIL BY PLANNING BOARD

Town Manager Tammy Michael advised Council that The Planning Board reviewed and approved conceptual site plans for the new Cagney’s Kitchen Restaurant and Retail Center at their August 31, 2021 Planning Board meeting.

UPDATE – FINAL COPY OF LAND USE PLAN UPDATE

Town Manager Tammy Michael presented to Council the completed copy of the Comprehensive Land Use Plan Update that the Town’s Planning Board and Town Council developed along with Benchmark CMR, Inc. over the past year to establish a vision for the growth of the Town. The Plan sets the “blueprint” for the future of Midway with clear principles, objectives, strategies, and ensures the Town remains on the radar of economic development and planned and sustained growth.

OTHER BUSINESS

Town Manager Tammy Michael provided Council with the following Town Park update:

• **PICNIC SHELTER**

Advertisement for bids has been written and approved by Town Attorney and Architects. Once the Public Hearing is held and if the Historically Underutilized Businesses (HUB) Outreach Plan and Guidelines is approved by Town Council, the bid notice will be published in The Dispatch, Winston Salem Journal, and on the Town’s website. Tentative award dates for the contract will be in November or December 2021.

• **PLAYGROUND**

Shade umbrella for the playground has been ordered. Update via email from Jon Dumont with Creative Playscapes on September 2, 2021 – same status as last update – Covid delays – expected delivery late September. It was the consensus of Council to wait until late February or early March 2022 to install the shade so it would be fresh for next year and not just sit over the winter months.

- Bird’s Nest Play Swing is broken and has been removed to the basement for visitor safety. Reviewed cameras and determined it was not from improper use or vandalism. Jon Dumont was contacted, and pictures of the damages were emailed. Mr. Dumont forwarded the pictures to the manufacturer, and they have shipped a replacement swing free of charge. Manufacturer noted; *“this has never occurred.”*

- **SECURITY SYSTEM**

KNC Technologies is working with manufacturing engineers and Duke Energy to identify problems that causes power outages to the Town's security cameras during storms. All cameras with the exception of the Lower Loop East camera are currently operating.

- **OVERFLOW PARKING LOT**

Sink Grading began clearing the grass for the overflow parking lot on Thursday, August 26. Gravel is currently being delivered.

For information only.

ADJOURNMENT

On motion by Mayor Pro Tem Mike McAlpine, seconded by Councilor Berkley Alcorn, Council voted unanimously to adjourn the meeting at 7:30 p.m.

John E. Byrum, Mayor

Tammy H. Robertson, Deputy Clerk